



# **IKUTHANI FM**

## **ANNUAL**

# **COMPLIANCE REPORT**

**MARCH 2025**

# **2023/2024 ANNUAL COMPLIANCE REPORT**

## **IKUTHANI FM BROADCASTING AS IKUTHANI FM 107.9**

**LICENCE PERIOD: 09 October 2019 to 08 October 2024**

### **1. PREFACE**

The Independent Communications Authority of South Africa (“Authority”) has a statutory mandate in terms of the Constitution<sup>1</sup>, the Independent Communications Authority of South Africa Act (ICASA Act<sup>2</sup>), the Electronic Communications Act (ECA)<sup>3</sup> and the Broadcasting Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of the report is to give an account of Ikutani FM’s performance for the 2023/2024 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

Further, the report will measure compliance with the Regulations that include South African Music Content, Standard Terms and Conditions for Class Licensees, Compliance Procedure Manual Regulations and Code of Conduct for Broadcasters.

### **2. BACKGROUND**

Ikuthani FM hold a Class Sound broadcasting service licence<sup>5</sup>. The radio station’s mandate is to provide sound broadcasting service to Thembisile Hani Local Municipality in the Nkangala District Municipality in Mpumalanga Province as set out in the Licensee’s radio frequency spectrum licence.<sup>6</sup>

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<sup>1</sup> The Constitution of the republic of South Africa, No 108 of 1996

<sup>2</sup> Independent Communications Authority of South Africa Act, 2000 ‘ICASA Act’ (Act No. 13 of 2000), as amended

<sup>3</sup> Electronic Communications Act, 2005 ‘ECA’ (Act No. 36 of 2005), as amended

<sup>4</sup> Broadcasting Act ,1999 (Act No. 4 of 1999), as amended

<sup>5</sup> Appendix A: Ikuthani FM broadcasting licence

<sup>6</sup> Ibid

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Control Structure**

Clause 1 of the licence states that:

*"The Licence is issued to:*

*1.1 Name of Company/Entity: Ikuthani FM.*

*1.2 Name of the Station: Ikuthani FM 107.9.*

*1.3 Control of the licensee: Control shall vest in the Board of Directors of a Non-Profit Organisation known as Ikuthani FM.*

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee remains Christian Electronic Media. The name of the Licensee's radio station is Ikuthani FM. The control of the Licensee remains in the hands of a Non-Profit Organisation known as Ikuthani FM.

According to Ikuthani's Constitution, the Board will consist of a minimum of seven (7) and maximum of ten (10) Directors. The board members are elected in an Annual General Meeting and will have a five (5) year term.

The Licensee submitted unsigned minutes of an AGM and no attendance register.

Furthermore, it was determined that some of the board members are from outside the licence area.

**The Licensee does not comply with clauses 1.1 to 1.3 of the licence condition.**

#### **3.2 Licence Period**

Clause 2 of the licence states that:

*"2.1 The effective date of the licence is 09 October 2019*

*2.2 The licence shall expire on the 08 October 2024".*

Ikuthani FM's licence is effective from 09 October 2019 to 08 October 2024. The Licensee submitted its renewal application in 2024, already.

**The Licensee complies with clause 2 of the licence condition.**

### 3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

*“The Licensee shall provide services to Thembisile Hani Local Municipality in the Nkangala District Municipality in Mpumalanga Province, as set out in the Licensee’s radio frequency spectrum licence.”*

Ikuthani FM provides services to the areas stipulated in its licence.

**The Licensee complies with clause 3 of the licence conditions.**

### 3.4 Community

Clause 4.1 of the licence states that:

*“The Licensee shall provide services to a Christian community residing within the geographic coverage area specified herein namely, Nkangala District Municipality area.”*

Ikuthani FM provides sound broadcasting services to a Christian community residing within the geographic coverage of the Nkangala District Municipality in Mpumalanga Province as set out in the Licensee’s radio frequency spectrum licence.

**The Licensee complies with clause 4.1 of the licence conditions.**

Clause 4.2 of the licence provides that:

*“The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:*

*4.2.1 The Licensee shall hold at least two (2) meetings annually with its community focusing on programming and programming related matters for the selection and provision of programmes.*

*4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as attendance thereof by members of the community.*

The Licensee submitted unsigned minutes of two meetings held on 05 April 2023 and 12 July 2023 respectively, yet with no attendance register for both meetings.

**The Licensee does not comply with clauses 4.2.1 and 4.2.2 of the license conditions.**

4.2.3 *The Licensee shall hold Annual General Meeting (AGM) for the following purposes:*

4.2.3.1 *To provide feedback on the Licensee's compliance with licence conditions;*

4.2.3.2 *To provide feedback on the Licensee's operational and financial Performance;*

4.2.3.3 *To elect members of the controlling structure e.g. Board of Directors, Trustees etc. subject to the Licensee's founding documents."*

The Licensee submitted a record of unsigned minutes and no attendance register of an AGM which was held on 28 September 2023.

**The Licensee does not comply with clause 4.2.3 of its licence conditions.**

### 3.5 Programming

Clause 5.1 The Licensee shall provide programming as follows:

5.1.1 *" News and information:*

*The Licensee shall broadcast a total of seventy-five (75) minutes of news on weekdays, 30% shall be local, 50% national and 20% international news.*

The Licensee submitted its Form 8A general log sheet, accordingly, the form revealed that Ikuthani FM broadcasts a total of five hundred and thirty (530) minutes of news daily.

The monitoring exercise revealed that Ikuthani FM broadcasts forty-five (45) minutes of news on weekdays, which is less than the seventy-five (75) minutes required daily.

The following are some of the news excerpts monitored:

- *"Umtwana uMagoshutu Buthelezi osekhothame uke waphakamisa ukuthi isilo uMusiZulu ka Zwelithini sengeniswe esikungeni sokugeni sokuhlukunyeyiswa ngesimilo ngenxa yoku khathazeka ngoku phuza kwaso kakhulu utshwala. Indodakazi ka Buthelezi umtwana u Phumizile uveze lokhu ngesikhathi ekhuluma nomdeni wasebukhosini elangeni lamgomvulo*

*emveni ka mtwana uButhelezi kaphinde agene ubaba waye kholelwa ukuth ukuya esikhungeni soku hlukunyelisa kwezompilo kuzosiza isilo mayelana nekinga yaso yokudla kakhulu amakwebemvu esho lokhu kudalulwe ngemva kwemibiko yokukhathazeka okukhulayo ebukhosini. Ngisho nezingane zakubo ko silo uMisiZulu zikhathazekile ngempilo yakhe kanye nezinsolo zokuphuza ngokweqile.*

- *“Ubaba undlule emhlabeni enhliziyu ebuhlungu kusho umdeni wakwa Buthelezi. Umdeni wakwa mtwana uMangosuthu Buthelezi utshele undlunkulu ka Zulu ukuthi umtwana undlule emhlabeni enehliziyu ebuhlungu ngenxa yaku ngaboni ngeso linye nesilo uMisiZulu. Lokhu kuvezwe abakwa Buthelezi. Umtwana uPhumizile uveze ukuthi umtwana uButhelezi waphathwa kabi ukuziphatha namazwi abuhlungu avela kusilo uMisiZulu.”*

**The Licensee does not comply with sub-clause 5.1.1 of the licence.**

5.1.2 *“The Licensee shall broadcast a total of sixty (60) minutes of current affairs on weekdays.”*

The Licensee broadcasts a total of sixty (60) minutes of current affairs between 5 pm and 6 pm on weekdays.

**The Licensee complies with sub-clause 5.1.2 of the licence.**

5.1.3 *“South African Music Content: In accordance with the South African Music Regulations of 2016, The Licensee shall broadcast a South African music content of 80%.”*

According to the Form 8A submitted by the Licensee, an average of two hundred and fifty-six (256) tracks of South African music is broadcast each week.

The monitoring exercise revealed that Ikuthani FM broadcasts four (4) to Five (5) songs per hour four (4) of the songs broadcast are from South African artists. Ikuthani meets the 80% quota.

**The Licensee complies with sub-clause 5.1.3 of the licence conditions.**

5.1.4 *Talk vs. Music: 60% Talk and 40% Music.*

Sixty per cent (60%) of talk during the performance period weekly, is equal to three thousand five hundred and twenty-eight (3528) minutes per week.

The Form 8A log sheet submitted by the Licensee indicates that on average two thousand four hundred and nineteen (2419) minutes per week, is broadcast by Ikuthani FM.

The monitoring exercise revealed that Ikuthani FM broadcasts more music than talk.

**The Licensee does not comply with sub-clause 5.1.4 of the licence conditions.**

*5.1.5 Language(s) of broadcast:*

*5.1.5.1 isiNdebele – 40%;*

*5.1.5.2 English – 25%;*

*5.1.5.3 isiZulu – 15%;*

*5.1.5.4 Northern Sotho – 10%. and*

*5.1.5.5 isiSwati – 10%”*

The monitoring exercise revealed that Ikuthani broadcast in all five (5) languages.

**The Licensee complies with clause 5.1.5. of the licence conditions.**

Clause 5.2 of the licence provides that:

*“The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A proforma of the log to be kept will be supplied by the Authority.”*

The Licensee submitted the log of programmes broadcast to the Authority as required by clause 5.2.

**The Licensee complies with clause 5.2 of the licence conditions.**

## **4 REGULATIONS**

### **4.1 Complaints Received**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

The Licensee did not submit Form 12 A.

### **The Licensee does not comply with the Compliance Procedure Manual Regulations**

#### **5.2 South African Music Content Regulations<sup>7</sup>**

Regulations 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

*"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period<sup>8</sup>"*

The monitoring exercise revealed that Ikuthani FM broadcasts local gospel music. Some of the music artists that were monitored include Lucas Malome, Spirit of Praise Zaza Mokhethethi, Lord Comforters, among others. Further, the monitoring exercise found that the Licensee does broadcast 80% of South African music as per the Regulations.

**The Licensee complies with the Regulations above.**

#### **5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences<sup>9</sup>**

Ikuthani FM complies with the Standard Terms and Conditions for Class Broadcasting Service Licences.

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<sup>7</sup> Appendix B: ICASA South African Music Content Regulations 2016

<sup>8</sup> *Ibid*

<sup>9</sup> Appendix C: Standard Terms and Conditions for Class Licences 2016

## **5 CONCLUSION**

Ikuthani FM did not comply with a few of its licence conditions. The areas of non-compliance should be resolved and will be reported on, in the next review period. Where any non-compliance may persist and remain unresolved, the Licensee will be referred to the Complaints and Compliance Committee (CCC), for hearing and adjudication.

## **6. TERMS OF REFERENCE**

Appendix A: Ikuthani FM broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

Appendix C: Regulations Regarding Standard Terms and Conditions for Class  
Licences 2016

**END**